

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING SECTION 25-2-476 OF THE CITY CODE
2 RELATING TO GRANTING OF SPECIAL EXCEPTIONS.
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4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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6 PART 1. City Code Section 25-2-476 (*Special Exceptions*) is amended to read:

7 (A) [~~Subject to the limitations under Subsection (B) of this section, the~~] The Board of
8 Adjustment [~~may~~] shall grant a special exception for an existing residential
9 structure, or portion of an existing structure, that violates a setback required
10 under Chapter 25-2 (*Zoning*) if the board finds that the special exception meets the
11 requirements of this section.

12 (B) The Board [~~may~~] shall grant a special exception under Subsection (A) of this
13 section if:

- 14 (1) the residential use for which the special exception is sought is allowed in an
15 SF-3 or more restrictive zoning district;
- 16 (2) the building official performs an inspection and determines that the violation
17 does not pose a hazard to life, health, or public safety; and
- 18 (3) the Board finds that:
- 19 (a) the violation has existed for:
- 20 (i) at least 25 years; or
- 21 (ii) at least 15 years, if the application for a special exception is
22 submitted on or before June 6, 2013;
- 23 (b) the use is a permitted use or a nonconforming use;
- 24 (c) the structure does not share a lot with more than one other primary
25 residence; and
- 26 (d) granting a special exception would not:
- 27 (i) alter the character of the area;

